

The International Covenant on Civil and Political Rights (ICCPR) and the Human Rights Committee

A Guide for Civil Society Engagement



About CCPR Centre

The Centre for Civil and Political Rights (CCPR Centre) is an international human rights NGO with its headquarters in Geneva, Switzerland.

It has regional offices in Togo, Thailand, Costa Rica and Kazakhstan.

The CCPR Centre envisions the full and universal realisation of the rights proclaimed in the International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols.

The CCPR Centre aims to fulfil that vision by facilitating the application of the ICCPR and promoting the implementation of Human Rights Committee recommendations, mainly through engaging with national NGOs and strengthening the Committee itself.

We believe that making the most of the reporting, review and followup cycle of the Human Rights Committee is one of the best ways to achieve our vision.

Table of Contents

Sheet No.1: The ICCPR and the Human Rights Committee (HR Committee)	4	Sheet No.4: Phase II: Review	23
The ICCPR.....	5	Interactive dialogue	24
Structure	6	Concluding observations	24
First Optional Protocol to the ICCPR (ICCPR OP1)	8	CSO engagement	27
Second Optional Protocol to the ICCPR (ICCPR OP2)	8	Formal briefing	27
The Human Rights Committee (HR Committee)	9	Informal briefing	28
Composition	9	Registration for participation	28
Main functions.....	9	Observation of the dialogue between the Committee and the State	29
		Checklist	29
Sheet No.2: State party review by the HR Committee	11	Sheet No.5: Phase III: Follow-up	30
State reporting procedure	12	Follow-up procedure of the HR Committee	31
The three phases of the State reporting procedure.....	12	CSO engagement	34
Non-reporting States	13	Follow up and Implementation	34
CSO engagement	14	Mid and long-term follow-up	35
i. Checklist.....	14	Sheet No.6: Considering Individual communications	36
Sheet No.3: Phase I: Adoption of the List of Issues (LOI) / List of Issues Prior to Reporting (LOIPR)	15	Individual communication procedure of the HR Committee	37
Two parallel procedures for Phase I	16	Admissibility.....	38
Former standard procedure	16	Merits.....	39
Simplified procedure	16	CSO engagement	40
LOI/LOIPR	16	Representing victims	40
CSO engagement	20	Where to send a communication	41
Before LOI/LOIPR	20	Sheet No.7: General comments	42
After LOI/LOIPR and before review	21	General comments of the HR Committee	43
Checklist	22	CSO engagement.....	45
Tips for civil society reporting	22	Sheet No.8: Additional resources	46
		CSO engagement.....	47
		Other Mechanisms.....	47

Sheet No.1

The ICCPR and the Human Rights Committee (HR Committee)



The ICCPR

The **International Covenant on Civil and Political Rights (ICCPR)** is one of nine UN Human Rights Treaties. It was adopted by the UN General Assembly on 16 December 1966 and entered into force on 23 March 1976. As of November 2021, **173 States parties** have ratified the Covenant and are bound to protect and respect the rights included within¹.

There are still **6 UN Member States** that have only signed but not yet become a party to it (China (signature in 1998), Comoros (signature in 2008), Cuba (signature in 2008), Nauru (signature in 2001), Palau (signature in 2011), and Saint Lucia (signature in 2011)), and **18 UN Member States that have not taken any action** (Buthan, Brunei Darussalam, Cook Islands, Holy See, Kiribati, Malaysia, Micronesia, Myanmar, Niue, Oman, Saint Kitts and Nevis, Saudi Arabia, Singapore, Solomon Islands, South Sudan, Tonga, Tuvalu, United Arab Emirates). Each of these States are strongly encouraged to become parties to the ICCPR as soon as possible.

¹ For the up-to-date list of States parties, signatories and non-party States, please see: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-12&chapter=4&clang=_en and <https://indicators.ohchr.org/>

Structure

The ICCPR has **53 articles**.

Articles 1 – 27 of the Covenant contain substantive rights and corresponding obligations of State parties. This include guaranteeing identified rights to every person within the territory, or subject to the jurisdiction, of a State party. These are listed as follows:

Article 1	Right of Peoples to Self-determination
Article 2	Non-Discrimination, Constitutional and Legal Framework within which the Covenant is Implemented, and Access to Remedies
Article 3	Equal Rights of Men and Women
Article 4	Derogations
Article 5	Prohibition of Misuse and Savings Clause
Article 6	Right to Life
Article 7	Prohibition of Torture
Article 8	Prohibition of Slavery
Article 9	Prohibition of Arbitrary Detention
Article 10	Conditions of Detention
Article 11	Imprisonment for Failure to Fulfil a Contractual Obligation
Article 12	Freedom of Movement
Article 13	Right to Remain in a State

Article 14	Right to Equality Before Courts and Tribunals and to a Fair Trial
Article 15	Non-Retroactivity of Laws
Article 16	Recognition as a Person before the Law
Article 17	Right to Privacy
Article 18	Freedom of Thought, Conscience and Religion
Article 19	Freedom of Expression
Article 20	Prohibition of propaganda for War and Advocacy of National, Racial or Religious Hatred
Article 21	Freedom of Assembly
Article 22	Freedom of Association
Article 23	Right to a Family
Article 24	Rights of the Child
Article 25	Electoral Rights
Article 26	Equality Before the Law
Article 27	Rights of individuals belonging to minorities

Exact text of articles 1-27, together with their explanation and related issues addressed thereunder, can be found in our publication *"Simple Guide on the International Covenant on Civil and Political Rights (ICCPR)"*.

Articles 28 – 53 deal with the establishment and functions of the Human Rights Committee as well as other technical matters.

All States parties to the ICCPR are obliged to take necessary actions to implement its provisions and to protect concrete civil and political rights included in the Covenant.

First Optional Protocol to the ICCPR (ICCPR OP1)

The ICCPR First Operational Protocol (OP1) authorises the HR Committee to **receive communications (complaints)** from individuals alleging that their rights under the ICCPR have been violated (this process is commonly referred to as the Individual communication procedure). Communications may only be submitted to the HR Committee where they relate to a State that has ratified OP1, and all domestic remedies have been exhausted.

As of November 2021, **116 States**² (among the 173 States parties to the ICCPR) are party to the ICCPR OP1.

In order to give full effect to the ICCPR, all States parties to the ICCPR that have not yet done so are strongly recommended to join the OP1 as soon as possible.

Details and overviews of the cases submitted to the HR Committee under its Individual communication procedure can be found in the [database](#) and [overview of the jurisprudence](#) developed by CCPR Centre.

Information on the Committee's decisions and its follow-up activities are made public and included in the Committee's Annual Report to the General Assembly.

Second Optional Protocol to the ICCPR (ICCPR OP2)

The ICCPR OP2 aims for the **abolition of the death penalty**. No one within the jurisdiction of a State party to the ICCPR OP2 may be executed (art. 1), while States are permitted to enter a reservation allowing the application of the death penalty in time of war, for serious crimes of a military nature committed during wartime (art. 2).

As of November 2021, 89 States (among the 173 States parties to the ICCPR) are party to the ICCPR OP2.³

2- Ibid.

3- Ibid.

The Human Rights Committee (HR Committee)

The HR Committee is the treaty body responsible for monitoring the implementation of the ICCPR by States parties that have ratified or acceded to the Covenant. It is one of nine treaty bodies within the United Nations Human Rights Mechanisms.

Composition

The HR Committee consists of 18 independent experts, who are elected by the States parties for a four-year term. They can be re-elected. The members meet three times a year, usually in March, July and October, for three to four weeks in Geneva, Switzerland⁴. The Committee has four main functions, as explained below.

Main functions

State party review

All States parties to the ICCPR are obliged to regularly report to the Committee on how the ICCPR is implemented in the country. Based on this reporting, the Committee reviews the situation and issues recommendations on the actions to be taken by the State concerned. This process is referred to as “*State review procedure*”, or “*State reporting procedure*”. Details of this procedure, including how civil society actors can engage in the process, can be found in the sheets No.2-5.



⁴ Since July 2020 up to the time of the publication of this guideline (March 2021), the Committee has been holding its sessions online with modified working modality due to the COVID-19 pandemic.

Individual communications

If States have ratified the OP1 to the Covenant, the Committee can receive Individual communications from any individual in the jurisdiction of those States, who claims that their rights protected under the Covenant have been violated. Details of this procedure, including how civil society actors can engage in the process, can be found in the sheet No.6.

General comment

From time to time, The HR Committee issue General comments to **clarify the scope and meaning of rights in the Covenant**, as well as the obligations of States. The Comments have become increasingly detailed over time, and have become a useful guide to States in preparing their report, and to other stakeholders engaging with the Committee. Details of this procedure, including how civil society actors can engage in the process, can be found in the sheet No.7.

Inter-State complaints

State parties to the Covenant may submit a communication to the Committee, alleging that another State party is not fulfilling its obligations under the Covenant. This is only possible if both States have specifically recognized this competence of the Committee. To date, this procedure has not been used.



Sheet No.2

State party review by the HR Committee



State reporting procedure

All States parties to the ICCPR are obliged to regularly report to the Committee on how the ICCPR is implemented in the country. Based on this reporting, and the reports submitted by other stakeholders including civil society, the Committee reviews the situation and recommends actions to be taken by the State concerned. This process is referred to as “*State review procedure*”, or “*State reporting procedure*”.

In order to increase the efficiency of the procedure and ensure more regular review of States parties, the Committee introduced the newly updated “[predictable review cycle](#)” in 2020. With this method, the Committee intends to review all State parties every 8 years, based on the [calendar developed by the Committee](#). It was also announced that a State party review can take place even if the relevant State report is not submitted, in order to ensure that one review cycle of a State party is completed in 8 years, with the next cycle beginning immediately after the previous one. The review of States parties by the HR Committee, through its State reporting procedure, is a long-term process of continuous cycles.

The three phases of the State reporting procedure

The review process conducted as part of the State reporting procedure is conducted in three phases:

Phase I: Adoption of the List of Issues (LOI) or List of Issues Prior to Reporting (LOIPR)

Phase II: Review

Phase III: Follow-up

Phase I is a preparatory stage for the main review, where stakeholders, such as NGOs and other civil society actors, can submit written reports to the HR Committee. Phase II is where the Committee carries out the actual review, through an interactive dialogue with representatives of States parties, and through the issuing of recommendations in

its Concluding observations. Phase III is the stage where States parties are obliged to implement recommendations from the Committee. Details of each phase, including how civil society actors can engage in the process, can be found in the sheets No.3-5.

Figure: Three phases of one review cycle

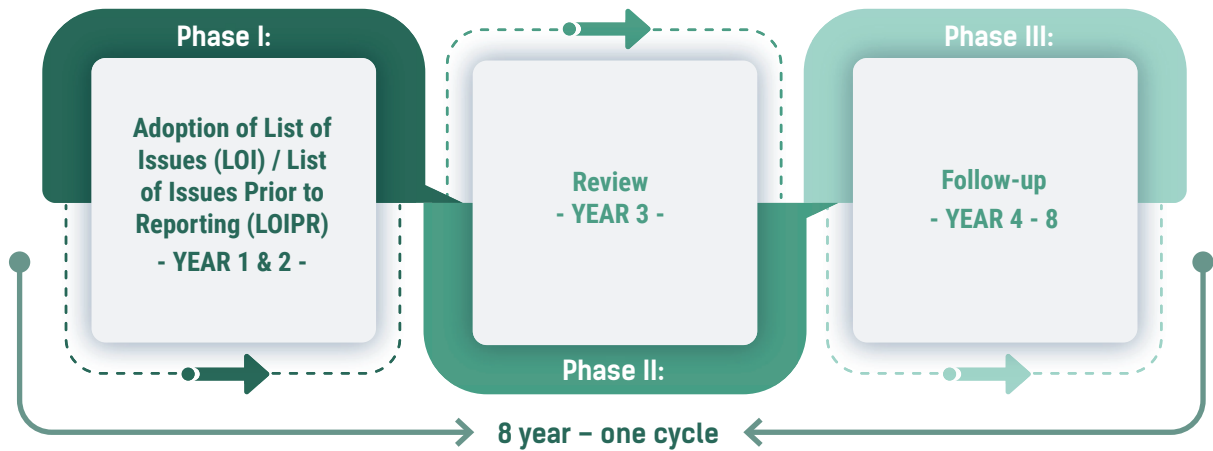
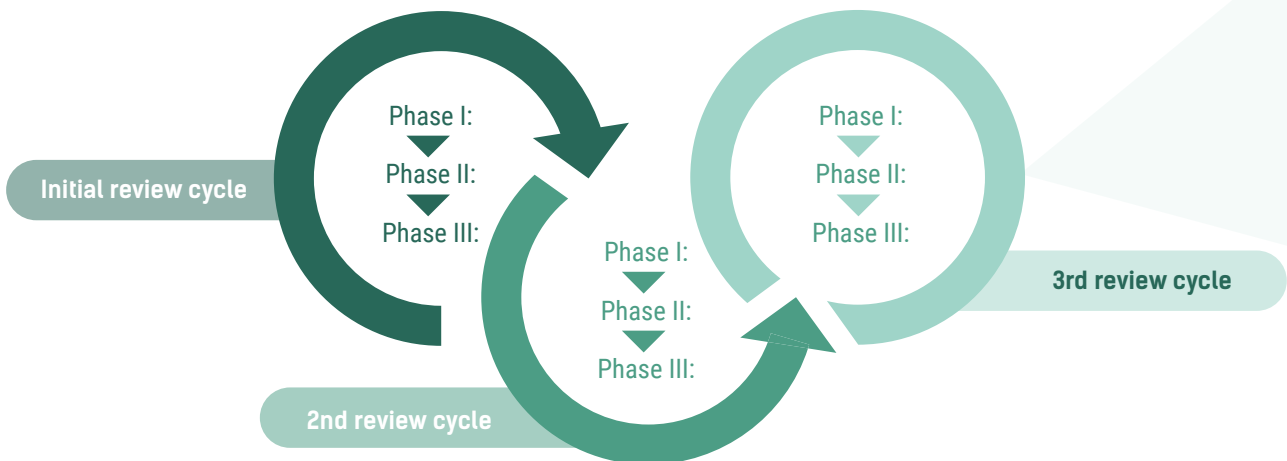


Figure: Cycles and phases of the State reporting procedure



Non-reporting States

Some States fail to report regularly or on time to the HR Committee. To ensure that States parties who fail to report are still subjected to a review, the Committee decided in 2020 to review States parties in the absence of a report, if there is a significant delay in the States' reporting.

CSO engagement

Civil society actors play a crucial role in the implementation of the ICCPR on the ground by engaging with the HR Committee. Civil society actors including NGOs and academia provide an important and independent source of information for the HR Committee, and their inputs are essential for the Committee to have up to date, concrete and correct information to carry out its mandate.

Civil society actors can engage with the HR Committee at different phases of its State review cycle. In order to better plan your actions and increase their impact, it is advisable to first check the [predictable review calendar](#) and the [website for the session schedule](#) of the Committee, or contact CCPR Centre, and find out which stage of the review cycle your country is at.

While there are some differences between the former standard and simplified reporting procedures (see sheet No.3 "*Phase I: Adoption of the LOI/LOIPR*"), it is important to note that the reviews of all States parties are carried out in accordance with the predictable review calendar, even if the relevant State report / reply is not submitted (in time).

Details of how civil society can engage in the process at each phase can be found in the sheets No.3-5 respectively.

Checklist



- Is your country a State party to the ICCPR?
- Has your country already gone through a cycle or more cycles of review, or is it the initial cycle?
- At which phase of the review cycle your country is at - phase I, II or III?
 - ▶ If Phase I, see sheet No.3
 - ▶ If Phase II, see sheet No.4
 - ▶ If Phase III, see sheet No.5



Phase I: Adoption of the List of Issues (LOI) / List of Issues Prior to Reporting (LOIPR)



Two parallel procedures for Phase I

Currently there are two State party reporting procedures: **the former standard procedure and the simplified procedure**. The simplified procedure was developed to reduce the reporting burden of States parties and is applied to all States parties, except those that have notified the Committee before 31 December 2019 to maintain the former standard procedure.

Former standard procedure

Under the **former standard procedure**, the cycle of review starts with the submission of the State party report to the Committee, followed by the adoption of the List of Issues (LOI) by the Committee. The State party is requested to provide written replies to the LOI before the review.

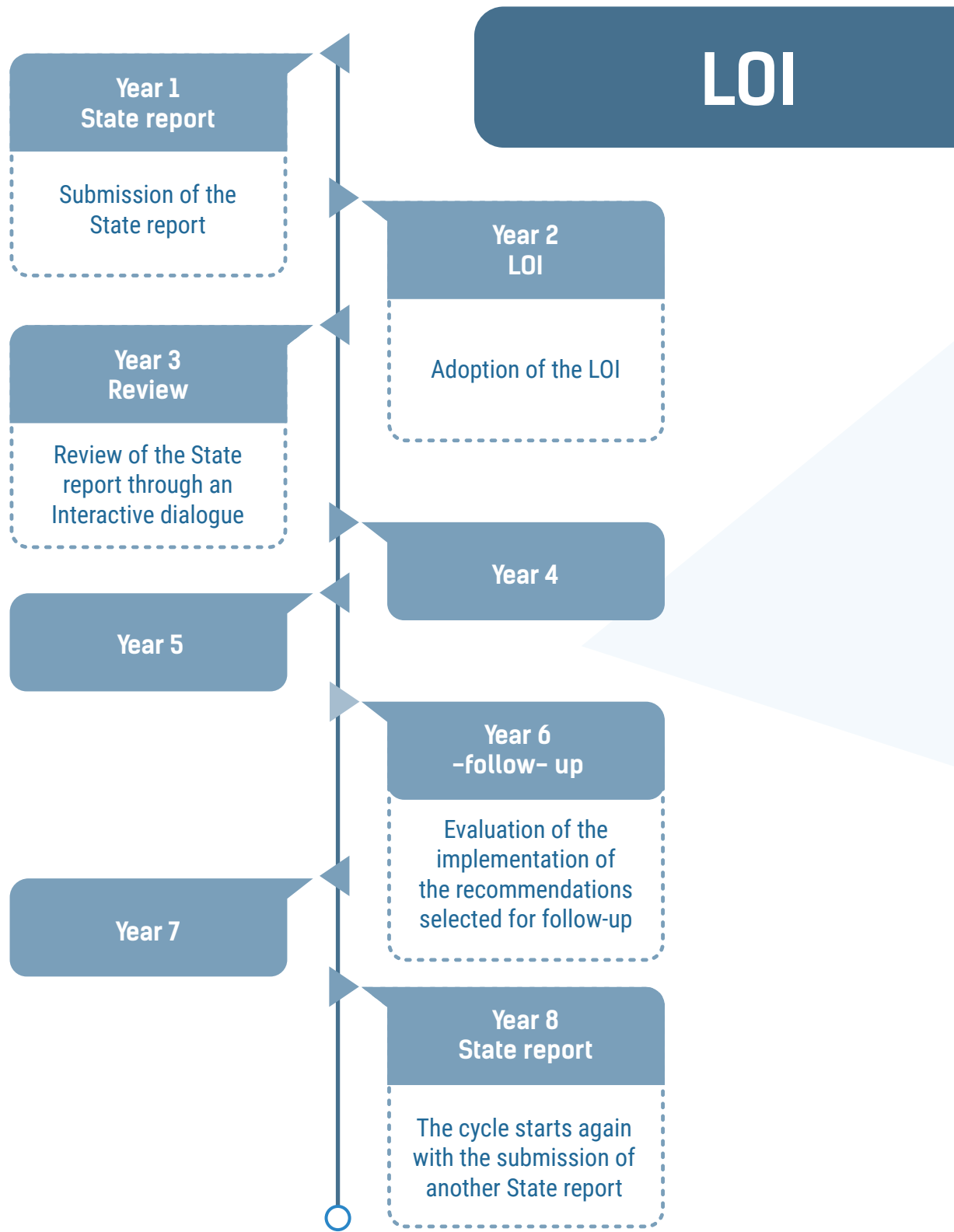
Simplified procedure

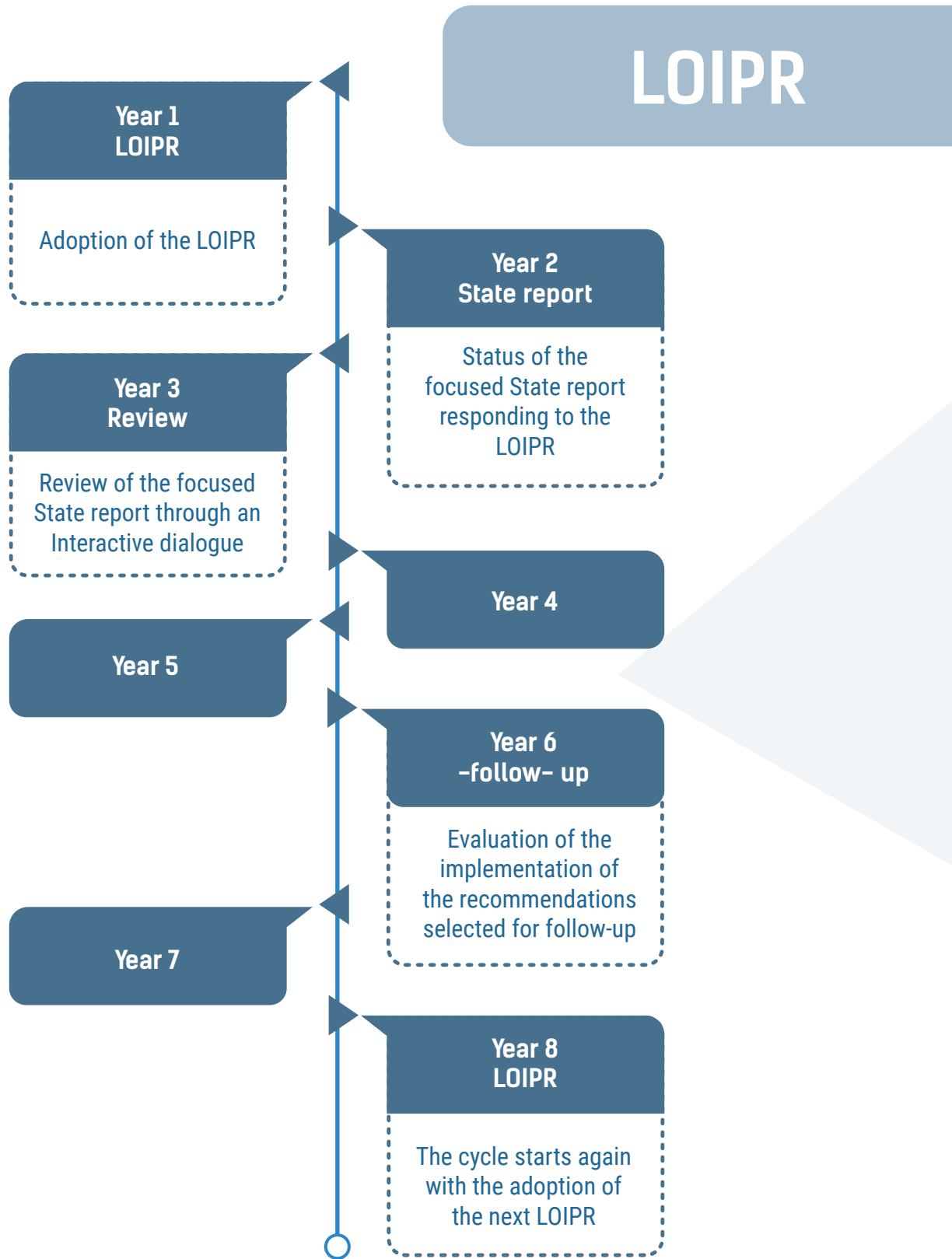
Under the **simplified procedure**, the cycle of review starts with the adoption of the List of Issues Prior to Reporting (LOIPR) by the Committee. The State party concerned is requested to submit its written reply to the LOIPR to the Committee, which will be regarded as State report (commonly referred to as the “*focused State report*”).

LOI/LOIPR

State reports are public and available on the website of the HR Committee. The LOI / LOIPR sets out primary issues that should be addressed in the review and lists up questions raised by the Committee to the State concerned, usually about 25 issues.

Figure: Timeline of the review cycle of a State party with LOI and LOIPR







Box: Example of issues raised by the Committee in LOI and LOIPR

Example 1

- Questions on the elimination of slavery, servitude and trafficking in persons raised in the LOI to Ethiopia for its 2nd review ([CCPR/C/ETH/Q/2](#), para.15, adopted in November 2020)

With reference to the Committee's previous Concluding observations (para. 11) and the information provided in the State party's report (para. 27), please provide further information on the measures taken to combat trafficking in persons, forced labour, including child labour, and sexual exploitation of children. In particular, please report on the steps taken to: (a) provide training to police officers and other public officials on how to identify and investigate cases of trafficking, forced labour and other exploitation and to address the protection needs of victims; (b) enhance the availability and accessibility of shelters and other protection services for victims; and (c) collect relevant disaggregated data. Please provide information on any cases in which child victims of sexual exploitation were penalized as offenders.

Example 2

- Questions on the right to privacy (ICCPR art. 17) raised in the LOIPR to the Democratic People's Republic of Korea for its 3rd review ([CCPR/C/PRK/QPR/3](#), para. 24, adopted in March 2021)

Please discuss reports of large-scale surveillance activities within the State party and comment on their compatibility with article 17 of the Covenant. Please include information about (a) the activities of the imminban units and Group 109, including reports that they search private homes without a warrant or notice; (b) reports of State monitoring of the written and telephone communications of individuals, as well as surveillance of the use of 3G usage amongst mobile phone owners; (c) the legal basis for such surveillance activities, as well as the processes for judicial oversight of their application.

CSO engagement

Before LOI/LOIPR

Civil society can submit written reports to the Committee and provide information for the Committee to take into account in developing and adopting the LOI or LOIPR.

In case of the **initial review**, CSO can report on the implementation of the ICCPR in the country in general, or focus on particular provisions of the ICCPR or thematic issues.

For the **periodic cycles**, information about the implementation of the HR Committee's recommendations issued after previous review(s) and/or about the issues that have emerged since the last review (or not been addressed in the previous reviews) would be particularly important.

In both cases, civil society is encouraged, if possible, to **prepare and submit joint reports** covering a wider range of issues and representing a larger number of actors on the ground.

The deadline for civil society reports at this stage is **usually 8 weeks before the start of the session**, where the LOI/LOIPR is scheduled to be adopted. The exact deadline date, together with other relevant information for civil society submissions is usually announced by the Committee's Secretariat in the information note prepared for each session. If you are planning to submit reports for LOI/LOIPR, it is advisable to regularly check the Committee's website for the timing of the LOI/LOIPR adoption and the deadline for civil society reports. The information note is usually published a few months before the session concerned.

During this stage, it is also important for civil society to consider raising awareness of the State party review with other national stakeholders, such as the NHRI (if applicable), media outlets, the general public, and the diplomatic community.



Box: Deadlines for reports and information notes announced / published at the Committee's website for its 133rd session

General Documentation

Document type	Symbol	Title	Download
Provisional Agenda	CCPR/C/133/1	ANNOTATED PROVISIONAL AGENDA :HUMAN RIGHTS COMMITTEE, 133RD SESSION, 11 OCTOBER-5 NOVEMBER 2021	View document
Programme of Work		as of 12 Oct 2021 (subject to change)	View document
Information from secretariat		States parties to be considered under the Follow-up procedure (subject to change) : DOMINICAN REPUBLIC, HUNGARY, JORDAN and MAURITIUS (Deadline for NGO submissions: 5 AUGUST 2021)	
Information from secretariat		Deadline for NGO/NHRI written contribution for adoption of list of issues prior to reporting (LOIPR): 16 AUGUST 2021	
Information from secretariat		NGO Information note	View document
Information from secretariat		NHRI Information note	View document
Information from secretariat		Deadline for NGO/NHRI written contribution for States parties under review: EXTENDED TO 4 OCTOBER 2021	
Open/Closing Remarks		Opening statement of Mr. Ibrahim Salama, Chief of the Human Rights Treaties Branch	View document



After LOI/LOIPR and before review

After the adoption of the LOI/LOIPR, civil society has another opportunity to submit written reports to the Committee before the review.

At this stage, it is highly advisable for civil society **to provide updated and targeted information on the issues i.e., questions raised in the LOI/LOIPR**, either all of them or focusing on particular one(s), as they are the main focus of the following review. Civil society can also report on the issues that are not addressed in the LOI/LOIPR, especially those which have emerged since the adoption of the LOI/LOIPR. In many cases, **suggesting recommendations** and highlighting concrete actions to be undertaken by the State in relation to the issues identified has also proven to be highly effective.

In order to increase their effectiveness, civil society actors are encouraged **to prepare and submit joint reports** covering a wider range of issues and representing a larger range of organisations on the ground, where possible.

The **deadline** for civil society reports at this stage is **usually 4 weeks before the start of the session**, where the State concerned is scheduled to be reviewed. The exact date will be announced by the Committee's Secretariat in the information note prepared for each session. This note is usually published a few months before the session concerned.

If possible, civil society can also lobby relevant State authorities to ensure their constructive engagement in the review process, including timely submission of State's reply to the LOI/LOIPR and good composition of State delegation for the review including high level officials with decision making powers and representation of various State organs.





Checklist

- Is LOI/LOIPR for your country already adopted?
- If not yet...
 - ▶ When is the adoption of LOI/LOIPR scheduled?
 - ▶ When is the deadline for civil society reports for LOI/LOIPR?
 - ▶ What are your priority issues that you would like to be taken up in the LOI/LOIPR?
- If already adopted...
 - ▶ When is the review scheduled?
 - ▶ When is the deadline for civil society reports for the review?
- ▶ On which issues listed in the LOI/LOIPR, you can provide more information?
- ▶ Are there any issues of your concern that are not listed in the LOI/LOIPR? If so, what kind of information you can provide for the review?
- ▶ What kind of recommendations you want the HR Committee to give to your country?

Tips for civil society reporting

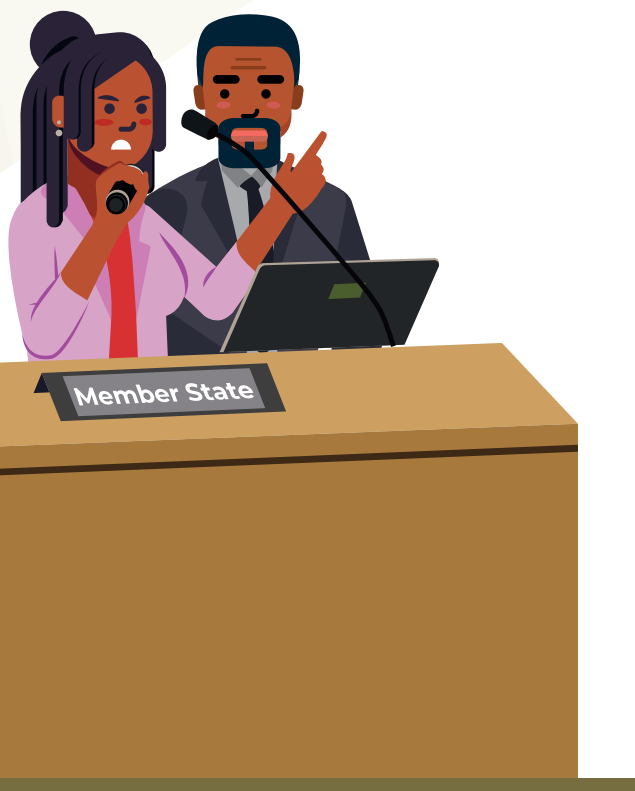
- ▶ In case of a report for the adoption of the LOI/LOIPR, suggest questions that should be included in the LOI/LOIPR;
- ▶ In case of a report for the review, provide target. Information on the issues and questions raised in the LOI/LOIPR;
- ▶ In case of a report for the review, suggest recommendations you want the HR Committee to give to your country, i.e. concrete actions that should be taken by the national authority;
- ▶ You can submit your report electronically with emails, the format of the report can be word or PDF;
- ▶ Identify who the submitting organisations are, and in case of a joint report, add contact information of other joining organizations;
- ▶ If possible / applicable, add a paragraph on methodology how collected information;
- ▶ Wherever possible, identify the source of information;
- ▶ You can also refer to e.g.: State report (if any), previous recommendations of the HR Committee, recommendations of other Treaty Bodies and/or other relevant UN bodies such as UPR and Human Rights Council Special Procedures;
- ▶ Send your report(s) to:
 - Gabriella Habtom, Secretary of the Human Rights Committee (ghabtom@ohchr.org);
 - Cherry Rosniansky, Programme Assistant of the Human Rights Committee (crosniansky@ohchr.org); and ccpr@ohchr.org
 - *You can also CC us (info@ccprcentre.org)**

Sheet No.4

Phase II: Review



Interactive dialogue



The actual review of a State party is carried out through an 6-hour Interactive dialogue between the Committee and the State representatives, based on information provided by the State as well as other stakeholders. This dialogue takes place in public meetings of the Committee conducted in Geneva, Switzerland, which are also [live webcasted by the UN](#). Videos of the dialogue is archived and available at the UN website.

Concluding observations

After the dialogue with State representatives, the Committee adopts its “*Concluding observations*”, which contain a series of recommendations specifying necessary actions to be taken by the State party in order to better implement the ICCPR.



Box: Recommendations issued by the Committee in its Concluding observations

Example 1

- ▶ Recommendations given by the Committee to Finland concerning the issue of hate speech and hate crimes given at its 7th review ([CCPR/C/FIN/CO/7](#), paras. 14 and 15, adopted in March 2021)

14. *The Committee takes note of the measures taken by the State party to combat hate speech and hate crimes, including the adoption of the national action plan for the prevention of violent radicalization and extremism and the introduction of so-called “Internet cops” to police departments. It is concerned, however, about the persistence of intolerance, prejudice, hate speech and hate crimes against vulnerable and minority groups, including women, African descendants, Muslims, lesbian, gay, bisexual and transgender persons, and Roma and Jewish communities, in particular in the media and on social networks. In that regard, the Committee regrets the lack of specific information about the impact and effectiveness of policy and awareness-raising measures on reducing incidents of hate speech and hate crimes and the insufficient data collection (arts. 2, 19, 20 and 26).*

15. *The State party should redouble its efforts to combat discrimination, hate speech and incitement to discrimination or violence on the grounds of, inter alia, race, ethnicity, religion, or sexual orientation and gender identity, in accordance with articles 19 and 20 of the Covenant and the Committee’s General comment No. 34 (2011) on the freedoms of opinion and expression. It should inter alia:*

(a) *Improve relevant data collection and take effective measures to prevent both online and offline hate speech, firmly and publicly condemn such speech and intensify efforts aimed at addressing online hate speech;*

(b) *Strengthen its awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity, revisiting and eradicating stereotypical prejudices based on race, ethnicity, religion, or sexual orientation and gender identity;*

(c) *Encourage the reporting of hate crimes, and ensure that hate crimes are thoroughly investigated, perpetrators prosecuted and punished, and victims provided with effective remedies;*

(d) *Provide adequate training to central and local authorities, law enforcement officials, judges and prosecutors on addressing hate speech and hate crimes, and to media workers on promoting acceptance of diversity.*

In its Concluding observations, the Committee also indicates the timeframe of the next review of the State party. It stipulates when the next State report is due, or when the next LOIPR will be adopted. It also selects between two to four issues for the follow-up procedure (see sheet No.5). All Concluding observations are available online, and are translated in the six official UN languages.



Box: Example of the text of HR Committee's Concluding observations, indicating the timeframe for the next review, follow-up procedure and other relevant obligations of the State party

Example 2

- ▶ Concluding observations of the Committee to Kenya issued at its 4th review ([CCPR/C/KEN/CO/4](#), paras. 52 – 54, adopted in March 2021)

52. *The State party should widely disseminate the Covenant, its two Optional Protocols, its fourth periodic report and the present Concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present Concluding observations are translated into the official languages of the State party.*

53. *In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 26 March 2023, information on the implementation of the recommendations made by the Committee in paragraphs 19 (violence against women), 41 (forced evictions) and 49 (participation in public affairs) above.*

54. *In line with the Committee's predictable review cycle, the State party will receive in 2027 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its fifth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2029 in Geneva.*

CSO engagement

Civil society representatives, who have submitted written reports for the review, can participate in **formal and informal briefings to the HR Committee** immediately before the review. Both briefings are conducted in a **private closed session** and only open for the representatives of civil society and the members of the Committee and its Secretariat. Representatives of the National Human Rights Institutions (NHRIs) have the opportunity to participate in a separate formal briefing. They may also join the informal civil society briefing, if agreed by all.

Formal briefing

The **formal briefing** is organised by the Committee as a part of its official review process and is typically scheduled on the first Monday of the review. For this briefing, official interpretation in the Committee's working languages is provided. Usually around 30 minutes are allocated for the entire briefing on one State party, which includes time allocated to questions from Committee members. The formal briefing is an opportunity for civil society representatives to present short oral statements to the Committee highlighting their primary concerns and giving brief updates on the human rights situation in the country. Civil society representatives are requested to coordinate among themselves and, as much as possible, to present joint statements.



Informal briefing

The **informal briefing** is organised by the CCPR Centre, usually for one hour in the lunch break immediately before the State review. If necessary, interpretation can be provided by the civil society representatives themselves. It is an opportunity for civil society representatives to engage in a more interactive and direct dialogue with the Committee members and answer their questions. In principle, informal briefings are held in a form of a physical meeting in Geneva, while online participation or briefing through online meeting can be arranged in certain circumstances.

Registration for participation

Civil society representatives wishing to participate in the formal and/or informal briefings should contact the CCPR Centre and register before the deadline set by the Committee secretariat for each session. Relevant information for the registration such as deadlines can be found on the website of the Centre and information note prepared by the Committee Secretariat.

A separate registration and accreditation are necessary to obtain a **pass** for attending the Committee's meetings physically. Relevant information about this registration and accreditation process can be found in the information note prepared by the Committee Secretariat for the session concerned.



Observation of the dialogue between the Committee and the State

The formal review of the State party is carried out by way of a dialogue between the Committee and the State delegation, which civil society representatives are only allowed to observe. Although not permitted to speak during the session, civil society representatives can attend the meeting and observe the dialogue e.g. what kind of questions are asked by the Committee and, more importantly, what kind of answers are (not) given by the State delegation. Under certain circumstances, civil society representatives **might be able to informally approach individual Committee members**, to the extent that it does not disturb the Committee members' conduct, and provide short additional information, especially if information provided by the State delegation in their dialogue is not accurate.

Public meetings of the Committee, including the dialogue with the States' delegations, are **live webcasted** and archived by the official [UN channel](#), which for example civil society, even if they are not present in Geneva, can use for awareness raising and media work in the country concerned.

Checklist



- When is the review of the State party concerned i.e. which session of the Committee and which date(s)?
- Have you checked the information note prepared by the Committee secretariat for the session concerned?
- Have you checked the CCPR Centre's webpage for the session concerned?
- Have you submitted your reports for the review by the deadline set by the Committee?
- When are formal and informal briefings organised for the country of your concern?
- Have you registered to participate in the formal and/or the informal briefings?
- If you are planning to attend the meeting of the Committee physically, have you registered and applied for accreditation?
- What else do you need / want to prepare e.g. coordination with other CSO participants, preparation of statement for the formal briefing, briefing paper for informal briefing etc.?
- Have you checked where and how to watch UN webcast of the review?

Sheet No.5

Phase III: Follow-up of HR Committee's recommendations



Follow-up procedure of the HR Committee

States parties are obliged to implement all recommendations issued by the Committee, preferably before the next review. In order to facilitate this process and monitor implementation, the Committee has established a **follow-up procedure**. Under this procedure, the Committee selects up to four recommendations and request the State party to implement them and **report back to the Committee within three years of the Concluding observations** being issued.

Based on the information provided by the State party, and, if available, from other stakeholders, the Committee **evaluates the actions taken by the State** party and provides a corresponding grade for each one. Discussion on the follow-up evaluation takes place during the public meeting of the Committee, which civil society representatives, if present, can attend and observe. It is also live webcasted and archived on the [UN channel](#). Relevant information about the follow-up procedure including results of the Committee's evaluation, information provided by the State party and other stakeholders is published on the Committee's [website](#).

Table: Criteria of the grades given by the Committee in its follow-up procedure

Grade	Meaning	Explanation
A	Reply/action largely satisfactory	The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee. In this case, the Special Rapporteur for follow-up to Concluding observations or views requests no additional information from the State party and the follow-up procedure on the particular issue is discontinued.
B	Reply/action partially satisfactory	The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary. In this case, the Special Rapporteur for follow-up to Concluding observations or views requests additional information, within a specific time frame or in the next periodic report, on specific points of the State party's previous reply that require clarification, or on additional steps taken by the State party to implement the recommendation.
C	Reply/action not satisfactory	A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation. In the case of follow-up to Concluding observations, information provided by the State party that reiterates information previously made available to the Committee prior to the Concluding observations is considered not relevant for these purposes. The Special Rapporteur for follow-up renews the request for information on steps taken to implement the recommendation.
D	No cooperation with the Committee	No follow-up report has been received after the reminder(s). The State party has not provided a follow-up report after, inter alia, one reminder and a request for a meeting with the Special Rapporteur for follow-up to Concluding observations or views.
E	The information or measures taken are contrary to or reflect rejection of the recommendation	The State party adopted measures that are contrary to or have results or consequences that are contrary to the recommendation of the Committee or reflect rejection of the recommendation.



Box: Example of HR Committee's follow-up evaluation and grade

Example 1

- ▶ Follow-up evaluation and grades given to Jamaica regarding implementation of the Committee's recommendation on the voluntary termination of pregnancy ([CCPR/C/131/2/Add.1](#), adopted in March 2021)

Concluding observations (118th session): [CCPR/C/JAM/CO/4](#), 1 November 2016
 Paragraph 26: Voluntary termination of pregnancy The State party should, as a matter of priority, amend its abortion legislation to help women address unplanned pregnancies and not resort to illegal abortions that could put their lives at risk. It should take measures to protect women against the health risks associated with unsafe abortions by improving its monitoring and data collection on women's access to health care and by enabling access to sexual and reproductive health information and services to all women, including girls under the age of 16.

State party's follow-up reply: [CCPR/C/JAM/CO/4/Add.1](#), 19 July 2018

Information from non-governmental organizations: [Jamaicans for Justice with support of CCPR Centre](#), March 2019

Committee's evaluation [C]: The Committee welcomes the information provided by the State party on enabling access to sexual and reproductive health information and services to all women, including girls under the age of 16. It requests clarification of whether the steps described were taken before or after the issuance of its Concluding observations. It also requests additional information on the substantive impact of these programmes, and the overall availability of services across the State party during the reporting period. The Committee regrets the lack of information on legislative initiatives and measures taken by the State party to decriminalize the voluntary termination of pregnancy, including in cases of pregnancy resulting from rape, incest and fetal abnormality, and reiterates its recommendation in this regard. It requests precise information about any planned amendments to its abortion legislation. The Committee also regrets that no information has been provided in relation to monitoring and data collection on women's access to health care. The Committee reiterates its recommendation and requests information about any measures taken to improve monitoring and data, and any available statistics on access to health care among women and girls.

CSO engagement

While the primary obligation to implement the recommendations issued by the HR Committee rests with the State, civil society can play a key role in enhancing the effectiveness of the process by undertaking targeted follow up actions.

Immediately after the review

As soon as the review is completed, **civil society can start raising awareness among relevant national stakeholders** including Parliamentarians, local authorities, media and the general public, about its outcome, i.e., the recommendations from the Committee. Additionally, a particular focus should be placed on recommendations selected for the follow-up procedure of the Committee as well as the timeline for the State follow-up report.

For this purpose, civil society can, among others:

1. Translate the Concluding observations into language(s) used in the country;
2. Produce a summary or an overview of the recommendations;
3. Produce briefing papers explaining the context;
4. Organise events and meetings with relevant national stakeholders to discuss recommendations and identify implementation actions; and
5. Develop a plan of action for follow-up with concrete activities and timelines.

Mid and long-term follow-up

Once concrete actions to be taken by the State authority is clear, civil society can start **monitoring the implementation** process. For this purpose, developing measurable success indicators or scheduling **regular meetings with responsible authorities** can be helpful.

While certain time needs to be given for the implementation of recommendations, civil society can begin to assess and document progress made by authorities, such as: concrete actions already taken by the State actors; actions that are still necessary or yet to be taken; and, if any, other relevant actions and developments that contribute to and/or go against the implementation of recommendations.

For the recommendations that are selected by the HR Committee for its follow-up procedure, civil society can **submit written reports to the Committee** providing relevant information, including their own assessment of implementation. During each session, the Committee evaluates the follow-up actions of several States parties. The deadline for the civil society follow-up report will be announced by the Committee on the webpage of the session concerned, usually a few months in advance of the session in question.

Follow-up actions of civil society become more effective, if it is carried out as part of a **long term engagement strategic with all UN Human Rights Mechanisms**.

For example, you can use your documentation and assessment of the progress (or challenges) in implementation of the relevant recommendations from the HR Committee in your reporting to other mechanisms, e.g., other Treaty Bodies and UPR, and vice versa for the next review cycle of the HR Committee.



Sheet No.6

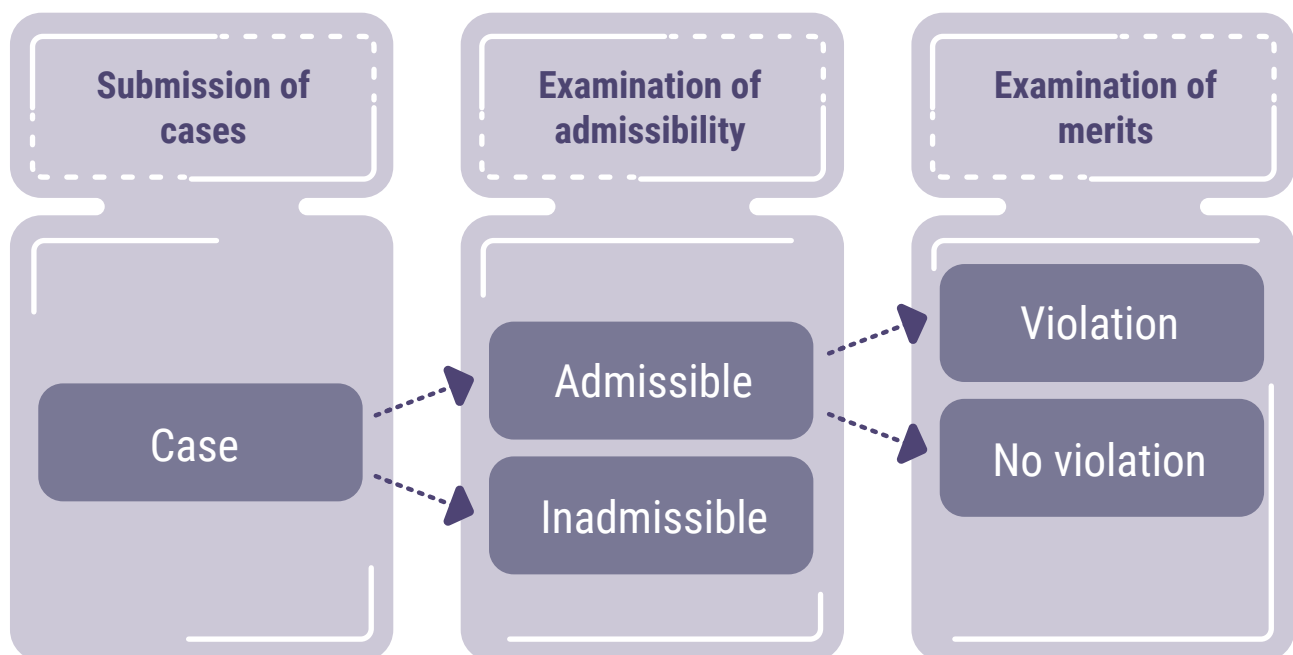
Considering Individual communications



Individual communication procedure of the HR Committee

The Individual communication procedure is a mechanism for individuals to submit claims to the HR Committee alleging that their rights under the Covenant have been violated. The Committee can receive communications from any individual within, or subject to the jurisdiction of, a State party that has ratified the OP1 to the ICCPR.

When an Individual communication is submitted, the Committee will first examine its admissibility. Once a communication is considered admissible, the Committee will assess its merits.



Admissibility

Before assessing the facts of the case, the Committee first checks whether the **procedural requirements** are met, including:

- ▶ The State, against which the complaint is lodged, has ratified the ICCPR and its OP1, recognizing the competence of the Committee to consider these individual cases;
- ▶ The alleged victim is personally and directly affected by the alleged violation;
- ▶ The alleged violation relates to a right that is protected by the ICCPR;
- ▶ The complaint is sufficiently substantiated i.e. enough details and facts are provided;
- ▶ The facts relate to events that occurred after the entry into force of OP1 in the State party concerned;
- ▶ The same matter has not been submitted to other international bodies, as duplication of decisions by several bodies need to be avoided - however, if other bodies have already completed the examination of the case and delivered their decisions, it can be submitted to the HR Committee;
- ▶ Domestic remedies are exhausted - applicants must first have gone through all available instances in the domestic judiciary system before submitting the case to the Committee, unless there is sufficient evidence that proceedings at the national level have been unreasonably prolonged or would be ineffective.

If one of these conditions is not fulfilled, the Committee will declare the case inadmissible and will not proceed with an examination of the facts.



Note: Even before examining its admissibility, the Committee can **discontinue** a case, when the applicant fails to respond to the Committee despite multiple reminders or when the communication has been withdrawn, for example.

Merits

If the case is declared admissible, the **Committee analyses the actual content of the case** and decides on the following:

- ▶ The rights of the applicant have been violated: the Committee then orders the State concerned to provide remedies to the victim, such as compensation, an amendment to existing legislation, or the release of a detained person. The Committee follows up on the implementation 180 days or 6 months after the adoption of the decision.
- ▶ The rights of the applicant have not been violated.

Appealing the final decision of the Committee on the merit of the case is not possible.

The whole procedure **takes place in written form**, with both parties having to submit all the documents by email or post. The considerations of these cases takes place in closed sessions, while the Committee's **decision and the outcome of the follow-up procedure are made public**. On average, the whole procedure takes between three and seven years.

The **follow-up procedure** for Individual communications is very similar to the one for Concluding observations: the Committee checks whether the remedies have been implemented, and gives the grading from A to E. The Committee will also decide whether to end the procedure there or to keep the follow-up dialogue ongoing.

For more information about the procedure, check the [guidance](#) prepared by the Committee Secretariat.



CSO engagement

Representing victims

Any communication sent to the Committee must be in a written form. On behalf of the individual victims of a violation of the rights under the ICCPR, civil society actors can bring a case against [States parties to the ICCPR OPI](#), provided that written consent is given by the victim, or in exceptional cases, with proof that the victim cannot file a communication on its own.

It is strongly encouraged to use a prescribed format, representatives are strongly encouraged to use the [model form](#) for the Individual communication under the ICCPR and the [guidance prepared by the Secretariat](#), in order to ensure that all necessary and relevant information is provided. The communication needs to be signed by the author, manually or electronically, and those sent by email need to be scanned and attached.

The communication must also be written in one of the working languages of the Committee Secretariat (English, French, Russian or Spanish). Copies of supporting documents, e.g., official decisions and court documents, can be submitted as annex to the communication, if necessary with summary translation into one of the above languages.

It is also important to submit the communication as soon as possible after domestic remedies have been exhausted. The HR Committee accepts communications submitted within 5 years from the moment of exhaustion of domestic remedies.

As the author of the communication will be given the opportunity to submit a response within a set

time, if any observations are submitted by the State party concerned, civil society actors can help victims throughout the process to interact with the Committee.

The Committee can request that the State take “*interim measures*” in order to avoid irreparable damage to the alleged victim, while the case is still pending consideration by the Committee. Such measures include, for example, suspension of the execution of a death sentence or of the deportation to a country where the author faces a risk of torture or ill treatment. A failure to adopt interim measures by the State is considered a violation of the ICCPR. If any request is made by the Committee to the State party concerned to take interim measures, civil society actors can monitor their implementation.

Moreover, protection measures can be requested, at any stage of the process, to protect individuals involved in the communication from reprisals, including lawyers, witnesses and family members, as long as the risk relates to the filing of the communication. This request may even be submitted in the context of the follow-up procedure.

The final decisions adopted by the HR Committee on cases are made public, but authors of the communication can request the Committee, preferably when sending the communication, not to make the identity of the author and/or the victims public.

Where to send a communication

The signed communication should be scanned and sent as an email attachment to:

- ▶ OHCHR Petitions and Urgent Actions Section (PUAS): petitions@ohchr.org.
- ▶ An unsigned word version of the communication should also be attached.



Note: communications submitted in paper will not be processed, unless it is justified that [electronical submission](#) is not possible.

In case the communication needs be sent in paper, it should be addressed to:

OHCHR Petitions and Urgent Actions Section (PUAS)
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10, Switzerland

You can find more information on OHCHR's website.

Sheet No.7

General comments



General comments of the HR Committee

The HR Committee will issue General comments **clarify the scope and meaning of the rights in the ICCPR**. They encompass the **Committee's interpretation** of the rights of individuals and obligations of States. The Comments have become increasingly detailed over time, and have become a useful guide to States in preparing their report, and to other stakeholders engaging with the Committee.

General comments are particularly useful since the ICCPR was adopted many years ago. They permit the ICCPR to be adapted to modern circumstances and contemporary challenges.

So far, the Committee has published **37 General comments**, the last ones focusing on the right to life and the freedom of peaceful assembly. The Committee regularly adopts new General comments.

Table: list of General comments of the HR Committee

No.	Right	ICCPR Art	Year	Reference
37	Right to peaceful assembly	Article 21	2020	CCPR/C/GC/37
36	Right to Life (Replaces General comments 6 and 14)	Article 6	2018	CCPR/C/GC/36
35	Right to Liberty and Security of Persons (Replaces General comment 8)	Article 9	2014	CCPR/C/GC/35
34	Freedoms of Opinion and Expression (Replaces General comment 10)	Article 19	2011	CCPR/C/GC/34
33	Obligations of States parties under the Optional Protocol	-	2008	CCPR/C/GC/33
32	Right to equality before courts and tribunals and to a fair trial (Replaces General comment 13)	Article 14	2007	CCPR/C/GC/32
31	The nature of the general legal obligation imposed on States parties (Replaces General comment 3)	-	2004	CCPR/C/21/Rev.1/Add.13
30	Reporting obligations of States parties under Article 40 (Replaces General comment 1)	Article 40	2002	CCPR/C/21/Rev.1/Add.12
29	Derogations during a State of Emergency (Replaces General comment 5)	Article 4	2001	CCPR/C/21/Rev.1/Add.11

No.	Title	Articles	Year	Reference
28	The Equality of Rights between Men and Women (Replaces General comment 4)	Article 3	2000	CCPR/C/21/Rev.1/Add.10
27	Freedom of Movement	Article 12	1999	CCPR/C/21/Rev.1/Add.9
26	Continuity of Obligations	-	1997	CCPR/C/21/Rev.1/Add.8
25	Participation in Public Affairs and the Right to Vote	Article 25	1996	CCPR/C/21/Rev.1/Add.7
24	Reservations to the Covenant or the Optional Protocols or Declarations under Article 41 of the Covenant	Article 41	1994	CCPR/C/21/Rev.1/Add.6
23	Rights of Minorities	Article 27	1996	CCPR/C/21/Rev.1/Add.5
22	Freedom of Thought, Conscience or Religion	Article 18	1993	CCPR/C/21/Rev.1/Add.4
21	Humane Treatment of Persons Deprived of their Liberty) (Replaces General comment 9)	Article 10	1992	HRI/GEN/1/Rev.9 (Vol. I) p.202
20	Prohibition of Torture or Cruel, Inhuman or Degrading Treatment or Punishment (Replaces General comment 7)	Article 7	1992	HRI/GEN/1/Rev.9 (Vol. I) p.200
19	The Family	Article 23	1990	HRI/GEN/1/Rev.9 (Vol. I) p.198
18	Non-Discrimination	Article 2.1 & 26	1989	HRI/GEN/1/Rev.9 (Vol. I) p.195
17	Rights of the Child	Article 24	1989	HRI/GEN/1/Rev.9 (Vol. I) p.193
16	Right to Privacy	Article 17	1988	HRI/GEN/1/Rev.9 (Vol. I) p.191
15	The Position of Aliens under the Covenant	-	1986	HRI/GEN/1/Rev.9 (Vol. I) p.189
14	Right to Life	Article 6	1984	HRI/GEN/1/Rev.9 (Vol. I) p.188
13	Administration of Justice (Replaced by General comment 32)	Article 14	1984	HRI/GEN/1/Rev.9 (Vol. I) p.184
12	Right to Self-Determination	Article 1	1984	HRI/GEN/1/Rev.9 (Vol. I) p.183

No.	Title	Articles	Year	Reference
11	Prohibition of Propaganda for War and Inciting National, Racial, or Religious Hatred	Article 20	1983	HRI/GEN/1/Rev.9 (Vol. I) p.182
10	Freedom of Opinion	Article 19	1983	HRI/GEN/1/Rev.9 (Vol. I) p.181
9	Humane Treatment of Persons Deprived of their Liberty (Replaced by General comment 21)	Article 10	1982	HRI/GEN/1/Rev.9 (Vol. I) p.180
8	Right to Life (Replaces General comments 6 and 14)	Article 9	1982	HRI/GEN/1/Rev.9 (Vol. I) p.179
7	Right to Liberty and Security of Persons (Replaces General comment 8)	Article 7	1982	HRI/GEN/1/Rev.9 (Vol. I) p.178
6	Freedoms of Opinion and Expression (Replaces General comment 10)	Article 6	1982	HRI/GEN/1/Rev.9 (Vol. I) p.176
5	Obligations of States parties under the Optional Protocol	Article 4	1981	HRI/GEN/1/Rev.9 (Vol. I) p.176
4	Right to equality before courts and tribunals and to a fair trial (Replaces General comment 13)	Article 3	1981	HRI/GEN/1/Rev.9 (Vol. I) p.175
3	The nature of the general legal obligation imposed on States parties (Replaces General comment 3)	Article 2	1981	HRI/GEN/1/Rev.9 (Vol. I) p.174
2	Reporting obligations of States parties under Article 40 (Replaces General comment 1)	Article 40	1981	HRI/GEN/1/Rev.9 (Vol. I) p.173
1	Derogations during a State of Emergency (Replaces General comment 5)	Article 40	1981	HRI/GEN/1/Rev.9 (Vol. I) p.173

CSO engagement

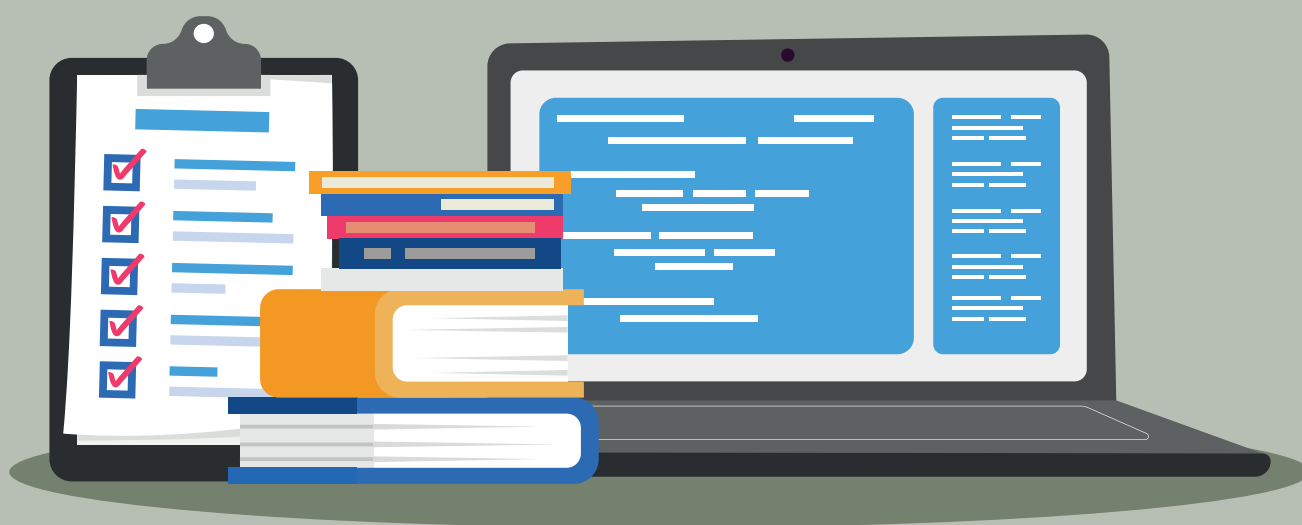
In the process of developing General comments, the HR Committee conducts a broad stakeholder consultation process, including with civil society, in order to ensure all relevant perspectives are incorporated in the Comment.

Civil society can provide input through participation in the general discussion during the Committee's session and/or written submissions.

When a new General comment is being drafted, the Committee will announce the exact format of such consultations and the modalities as to how stakeholders can provide input.

Sheet No.8

Additional resources



CSO engagement

1. "A Practical Guide for Civil Society: Civil Society Space and The United Nations Human Rights System" United Nations Human Rights – Office of the High Commissioner. https://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSystem_Guide.pdf
2. "How to follow up on United Nations Human Rights Recommendations – A Practical Guide for Civil Society" Office of the High Commissioner for Human Rights. <https://www.ohchr.org/Documents/AboutUs/CivilSociety/HowtoFollowUNHRRRecommendations.pdf>
3. "How to engage with the UN Human Rights Mechanisms in Practice – FAQ" Centre for Civil and Political Rights https://ccprcentre.org/files/media/FAQ_and_mechanisms_How_to_engage.pdf
4. "Frequently Asked Questions regarding NGO Participation in the UN Human Rights Committee's Sessions" Centre for Civil and Political Rights https://ccprcentre.org/files/media/FAQ_on_NGO_participation.pdf
5. "Right to Participate in Public Affairs" Centre for Civil and Political Rights" (Chapter 6) Centre for Civil and Political Rights [https://ccprcentre.org/files/media/Guidelines_Art25_\(ENG\).pdf](https://ccprcentre.org/files/media/Guidelines_Art25_(ENG).pdf)
6. "Simple Q & A on the UN Human Rights Committee's General comment No.37: on the right to peaceful assembly" (2021) Centre for Civil and Political Rights https://ccprcentre.org/files/media/GC37_Simple_QA.pdf
7. "Overview of the Periodic Reporting Process of the UN Human Rights Treaty Bodies" International Commission of Jurists <https://www.icj.org/wp-content/uploads/2014/02/TreatyBodies-PeriodicReporting.pdf>

Other Mechanisms:

1. "A practical Guide for Civil Society: Universal Periodic Review" United Nations Human Rights – Officer of the High Commissioner. <https://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>
2. "A practical guide for NGO Participants: United Nations Human Rights Council" United Nations Human Rights – Officer of the High Commissioner. https://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO_en.pdf
3. "United Nations Human Rights Council. A Practical Guide for NGO Participants" https://www2.ohchr.org/english/bodies/hrcouncil/docs/hrc_practical_guide_ngos04-10.pdf
4. "A Practical Guide to the UN Committee on NGOs" (2017) International Service for Human Rights https://www.ishr.ch/sites/default/files/documents/ishr_ngo_handbook_2017_eng_web.pdf
5. "The Civil Society Compendium. A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review" (2017) UPR https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_cso_compendium_en.pdf

The International Covenant on Civil and Political Rights and the Human Rights Committee

A Guide for Civil Society Engagement

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